



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/552,509

10/05/2005

Noritada Katayama

2005\_1546A

2516

513 7590 04/16/2008

WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET N. W.

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

NAQI, SHARICK

ART UNIT

PAPER NUMBER

3736

MAIL DATE

DELIVERY MODE

04/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,509	<b>Applicant(s)</b> KATAYAMA, NORITADA	
	<b>Examiner</b> Sharick Naqi	<b>Art Unit</b> 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The Examiner acknowledges the response filed on December 26, 2007.

#### ***Claim Objections***

Claims 1 and 21-23 are objected to because of the following informalities:

In regards to claim 1, line 10 states "the other biological information sensor" however lines 2-3 state that the system comprises "a plurality of biological information sensor modules". The Examiner suggests that the limitation in line 10 be changed to "a second biological information sensor". Appropriate correction is required.

Claims 21-23 are also objected to because of the limitation "the other biological information sensor" in line 9 of each of the claims. The Examiner suggests that the limitation be changed to "a second biological information sensor". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, and 3-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The independent claims 1 (lines 7-8), 21 (lines 6-7), 22 (lines 6-7), and 23 (lines 6-7) each make reference to a "determination means for performing determination of an abnormality . . ." This wording clearly invokes 112.6<sup>th</sup>, meaning that the applicant has relied on the specification to interpret the structure that is directed to that "means."

Art Unit: 3736

In the specification on page 8, line 25, applicant states the structure associated with the determination means is a measurement calculating unit. However, it is unclear if the measurement calculating unit is structure, or an algorithm or software. If the determination means is an algorithm or software then the term/limitation will not be given patentable weight because it lacks structure that would be attributed to the apparatus claims.

Additionally, claims dependent on independent claim 1 are rejected as being dependent on a rejected claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. US Patent Number 5,724,980 (hereinafter Nakamura) in view of Inagaki et al. US Patent Number 6,344,025 (hereinafter Inagaki).**

In regards to claim 1, Nakamura discloses biological information monitoring system comprising

a plurality of biological information sensor modules adapted to be attached to the right side and left side of a subject body (*Nakamura Fig 1, column 2, lines 44-67 and column 3, lines 1-9. Sensor portion 11a is one sensor module and sensor portion 11b along with processor 2 is a second sensor module*),

said biological information sensor modules each incorporating a biological information sensor for detecting at least one of pulse and blood pressure as biological information (*Nakamura Fig 1, column 2, lines 44-67 and column 3, lines 1-9. The sensors detect blood pressure*)

wherein at least one of said biological information sensor modules includes a determination means for performing determination of an abnormality by comparing said biological information detected by said biological information sensor in the biological information sensor module itself with biological information from the other biological information sensor module (*Nakamura Fig 1, column 2, lines 44-67 and column 3, lines 1-9. Sensor portion 11b connected with processor 2 comprises the sensor module with determination means because the processor determines whether the difference between the two blood pressures measurements is over a predetermined value*).

Nakamura further discloses that the two sensors/blood pressure cuffs send information via a wired connection (*Nakamura Fig. 1*).

Nakamura does not disclose that the sensors/blood pressure cuffs include a communicator configured to communicate said biological information by wireless and that the information is sent from one biological information sensor module to another through said communicator. However Inagaki, a reference in an analogous art discloses a blood pressure monitor where a cuff is provided with transmission and reception portions (equivalent to a communicator) to communicate measured signals wherein the communications are wired or wireless (*Inagaki column 1, lines 60-67 and column 4, lines 35-45*). Both references disclose blood pressure cuffs for determining a user's blood pressure. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nakamura's blood pressure measuring cuffs that

Art Unit: 3736

communicate via a wired connection with Inagaki's cuff including transmission and reception portions (equivalent to a communicator) for communicating measured signals wirelessly because Inagaki teaches that a wireless connection improves operability of the blood pressure monitoring device (*Inagaki column 2, lines 18-22*).

6. The biological information monitoring system set forth in claim 1, further comprising biological information sensor modules for issuing a warning when said determination means detects an abnormality (*Nakamura Column 3, lines 10-18. Warning*).

In regards to claims 11 and 12, Nakamura as modified by Inagaki for the rejection of claim 1 above would have two blood pressure cuffs communicating wirelessly where the processor compares data from both to determine whether the difference between the two blood pressures measurements is over a predetermined value. The cuff without the processor would meet the limitation of an electronic device for transmitting data to said biological information sensor module by wireless, so as to perform abnormality determination with reference to said data sent from said electronic device in said determination means.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 6 and 11-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharick Naqi whose telephone number is (571)272-3041. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. N./  
Examiner, Art Unit 3736

/Michael Astorino/  
Primary Examiner, Art Unit 3736

April 9, 2008

Application/Control Number: 10/552,509  
Art Unit: 3736

Page 7